

Remarks/Arguments:

Claim Status:

In a preliminary amendment filed with the application, claims 1-12 were cancelled and claims 13-26 were added. Claims 13-26 are currently pending in the application.

In the office action dated September 19, 2005, the Examiner objected to the specification and to claims 16, 17, 20-23 and 26 based on informalities. In addition, the Examiner rejected claims 13-26 under 35 U.S.C. § 112 based on claim language that the Examiner considered indefinite. Claims 13-23, 25 and 26 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,102,495 ("Zaviska"). The Examiner indicated that claim 24 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and if rewritten in independent form.

The office action and the references cited therein have been carefully considered by the Applicants. In view of the foregoing claim amendments and the following remarks, Applicants respectfully submit that the Examiner's objections and rejections are traversed.

Specification

The language "pump- and accumulator accommodating bore 11, 4" in paragraph [0020] was a compound reference to the pump accommodating bore 11 and accumulator accommodating bore 4. Applicants have submitted replacement paragraph [0020] to identify each of the bores separately.

Claim Objections

The Examiner noted informalities in claims 16, 17, 20-23 and 26 based on the use of articles "a", "an" and "the". Applicants have amended claims 16, 17, 20-23 and 26 to incorporate the corrections noted by the Examiner.

Applicants have noted additional informalities which have been removed from the claims, as shown in the listing of claims.

Claim Rejections - 35 U.S.C. § 112

Claim 13 has been amended to remove the recitations "in particular" and "slip controlled" to eliminate any perceived inconsistency with the broader recitation.

Regarding claim 15, Applicants submit that the drawing figures clearly show that the first pressure compensating channel portion extends between the motor accommodating bore

and a cover closing the two accumulator accommodating bores. Applicants have amended claim 15 to describe this feature.

Regarding claim 22, Applicants have amended the claim to remove the language which the Examiner considered unclear. In particular, Applicants have amended claim 22 to remove the language "with its end the end of".

Claim Rejections - 35 U.S.C. § 102

In order for a prior art reference to anticipate a claim, the reference must teach each and every claim element of that claim. Applicants respectfully submit that Zaviska fails to teach each and every claim element of claim 13, as filed.

Claim 13 recites in pertinent part, "a ventilation system that permits ventilating and venting the pump- and accumulator accommodating bore for pressure compensation exclusively by way of one single ventilation point that is in connection to a pressure compensating channel of the ventilation system . . ." Applicants submit that Zaviska fails to teach a ventilation system for ventilating and venting a pump- and accumulator accommodating bore for pressure compensation as described in claim 13.

According to the Examiner, channel 16 and element 17 in Zaviska provide a ventilation system for venting a pump accommodating bore 7 and an accumulator accommodating bore (9, 10). Applicants submit that channel 16 and element 17 have nothing to do with the pump accommodating bore 7 or accumulator accommodating bores 9, 10. Channel 16 and element 17 operate in the hydraulic wheel brake circuit, whereas accommodating bore 7 and accumulator accommodating bores 9, 10 do not. Moreover, channel 16 and element 17 cooperate with damping bore 11 to dampen pump noise during hydraulic pressure peaks. (Col. 2, lines 26-32). They have no pressure compensating relationship with the pump accommodating bore 7 or accumulator accommodating bores 9, 10.

Assuming for the moment that channel 16 and element 17 could form a ventilation system for the pump accommodating bore 7 and accumulator accommodating bores 9, 10, they would not do so "exclusively by way of a single ventilation point" as recited in claim 13. The accumulator bore 10 is also vented by a disc-shaped deviation device 20 that provides a partial opening in its housing. (Col. 3, lines 32-40). Therefore, the channel 16 and element 17 would not vent the pump- and accumulator accommodating bores exclusively by way of one single ventilation point. Accordingly, Applicants respectfully request reconsideration of the rejection to claim 13.

Claims 14-23, 25 and 26 are dependent on claim 13 and incorporate all the elements recited in claim 13. Therefore, claims 14-23, 25 and 26 are allowable over Zaviska for at least the same reasons that claim 13 is allowable.

Aside from the elements incorporated from claim 13, claims 14-23, 25 and 26 are allowable over Zaviska for additional reasons. Regarding claim 14, the Examiner contends that pressure fluid bore 13 in Zaviska is a "first pressure compensating channel portion". Referring to Figs. 2-4, bore 13 is completely separate from channel 16. In fact, the two run parallel to one another and are not connected.

Regarding claims 15-17, 22, 25 and 26, the Examiner simply directs the Applicants to Figure 4, without any explanation of how the elements of the claims are disclosed in the Figure. Applicants respectfully submit that this type of rejection is not sufficiently informative to allow the Applicants to recognize the reason for these rejections and prepare an informed response, in accordance with 35 U.S.C. § 132. For example, Applicants fail to see how Fig. 4, in and of itself, shows the elements of claim 15. Claim 15 recites a first pressure compensating channel portion extending between the motor accommodating bore and a cover. The only motor accommodating bore in Zaviska (bore 8) is not shown in Fig. 4. Therefore, Applicants respectfully request that additional explanation be provided for these rejections in the event that they are maintained.

Regarding claim 23, Zaviska does not disclose a pressure compensating channel portion that traverses a cable duct. The drawing figures in Zaviska only show a cross-sectional view of cable bushing 26 in Fig. 2, with no illustration of how the duct extends through the block. Therefore, there is no indication in Zaviska that a cable duct is traversed by a pressure compensating channel portion. Given that the duct is likely to follow a straight path through the block, the position of the cable bushing in Fig. 2 relative to the other channels suggests that the duct would not be traversed by any of the channels shown in the Figures.

Allowable Subject Matter

The Examiner indicated that claim 24 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and if rewritten in independent form. Applicants have added new claim 27 which includes the allowable elements of claim 24 and elements from base claim 13 as originally filed.

New Claims

As noted above, Applicants have added new claim 27, which includes the allowable elements of claim 24 and elements from base claim 13 as originally filed. Applicants have also added new claims 28-32, which correspond to dependent claims 14-18, as amended. Accordingly, Applicants submit that new claims 28-32 are allowable for at least the same reasons provided above with respect to claims 14-18. No new matter has been added in the new claims.

Conclusion

In light of the foregoing amendments, proposed new claims and remarks, Applicants believe that the application is in a condition for allowance. The Examiner is encouraged to contact the Applicants' undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,



Robert P. Seitter, Reg. No. 24,856
Christopher A. Rothe, Reg. No. 54,650
Attorneys for Applicants

RPS/CAR/ks

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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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Kathleen Spina